

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**CASE NO. 8:02CR367**

**Plaintiff,**

**ORDER**

**vs.**

**RICHARD KIMBALL, II,**

**Defendant.**

This matter is before the Court on the Defendant's motion to appoint counsel (Filing No. 95) to assist the Defendant in correcting a sentencing error.

The 2002 edition of the sentencing guidelines were used, and U.S.S.G. § 2D1.1(d)(6) was correctly used given the amount of pseudoephedrine for which the Defendant was held responsible, resulting in base offense level 28. The motion will be denied.

IT IS ORDERED that the Defendant's motion to appoint counsel (Filing No. 95) is denied.

DATED this 6<sup>th</sup> day of May, 2005.

BY THE COURT:

s/Laurie Smith Camp  
Laurie Smith Camp  
United States District Judge